



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

Nov 05 2021

November 4, 2021

STATE CLEARING HOUSE

Michael Kelly, Associate Planner
San Benito County Resource Management Agency
2301 Technology Parkway
Hollister, California 95023-2513
mkelly@cosb.us

Subject: Ridgemark Subdivision Project (Project)
Notice of Preparation (NOP)
SCH No.: 2020109022

Dear Mr. Kelly:

The California Department of Fish and Wildlife (CDFW) received a revised NOP, due to a change in the Project description, from the San Benito County Resource Management Agency for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code. While the comment period may have passed, CDFW would appreciate if the San Benito County Resource Management Agency will still consider our comments.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

PROJECT DESCRIPTION SUMMARY

Proponent: Angels Company, LLC/Mr. John Wynn

Objective: The proposed project would amend the zoning on the site to create a base zone of "Single-family Residential (R-1)" District combined with either the "Planned Unit Development (PUD)" Combining District or the Neighborhood Commercial District (C-2) Combining District, a vesting tentative map, 190 on-site residential units and commercial/non-residential development, recreational/open space improvements, roadway improvements, and utility improvements. The proposed vesting tentative map would re-subdivide the project site to create 190 new residential lots, five new commercial/non-residential lots, nine buffer zone lots, six undeveloped lots, five golf course lots, and one lot for a park, all within the proposed development area. An additional 38 units for affordable housing, are also being constructed as part of this project.

Location: The proposed project is located on approximately 253 acres within the approximately 618-acre Ridgemark Golf Course and Country Club property ("project site"), south of State Route 25 (Airline Highway) in unincorporated San Benito County, and southeast of the City of Hollister. Regional access to the site is provided by State Route 25 and Fairview Road. Direct access to the site is provided from three gated entry points off of State Route 25: Ridgemark Drive, Dan Drive, and South Ridgemark Drive. Ridgemark Drive provides the primary access route into the project site. Dan Drive provides emergency access to the site.

Timeframe: None specified.

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COMMENTS AND RECOMMENDATIONS

The NOP indicates that the Environmental Impact Report (EIR) for the Project will describe existing environmental conditions in the Project area, and analyze potential impacts resulting from Project activities. The EIR will also identify and evaluate alternatives to the proposed project. CDFW met with the San Benito County Resource Management Agency via computer on September 23, 2021 to discuss information needed for the upcoming EIR. Questions from San Benito County included what mitigation measures may be required, including mitigation ratios and whether off-site mitigation on John Smith Road may be an option. The site was described as an infill site that was previously composed of a golf course and a roadway. While this land use is not typical habitat, a golf course may contain habitat features (e.g., permeable movement corridors, open grass areas, trees, ponds) that can provide suitable habitat for multiple special status species, including several that have been documented in the Project vicinity (CDFW 2021). CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State and federally threatened California tiger salamander (*Ambystoma californiense*); the State and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the Federally threatened and State Species of Concern California red-legged frog (*Rana draytonii*); and the State species of special concern burrowing owl (*Athene cunicularia*), western spadefoot (*Spea hammondi*), and western pond turtle (*Emys marmorata*), along with roosting bat species of special concern, nesting birds, and raptors. These resources need to be addressed prior to any approvals that would allow ground-disturbing activities or land use changes to adequately assess potential impacts.

The project proponent stated they would follow the typically recommended CDFW protocols. Protocols for California tiger salamander, San Joaquin kit fox, California red-legged frog, and burrowing owl can be found at <https://wildlife.ca.gov/Conservation/Survey-Protocols>. As stated on the call, CDFW is available to meet with the San Benito County Resource Management Agency or the Project proponent during preparation of the EIR and/or after the draft EIR is completed to discuss potential mitigation measures or impact analysis.

CDFW also recommends consulting with the United States Fish and Wildlife Service (USFWS) on potential impacts to federally listed species including, but not limited to, San Joaquin kit fox, California tiger salamander, and California red-legged frog. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

In addition to potential species impacts, it is likely that some Project activities that will be subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et

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seq. If a Lake or Streambed Alteration Agreement (LSAA) is needed, CDFW is required to comply with CEQA in the issuance or the renewal of a LSAA. Therefore, for efficiency in environmental compliance, we recommend that any potential lake or stream disturbance that may result from Project activities be described, and mitigation for the disturbance be developed as part of the EIR. This will reduce the need for the CDFW to require extensive additional environmental review for a LSAA in the future. If inadequate, or no environmental review, has occurred, for the Project activities that are subject to notification under Fish and Game Code section 1602, CDFW will not be able to issue the Final LSAA until CEQA analysis for the project is complete. This may lead to considerable Project delays.

CDFW hopes that the recent online meeting with you to discuss potential impacts and possible mitigation measures for some or all of the resources that may be analyzed in the draft EIR was helpful to your preparation of the upcoming EIR. If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Julie A. Vance
Regional Manager

ec: Leilani Takano
United States Fish and Wildlife Service
leilani_takano@fws.gov

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LITERATURE CITED

CDFW. 2021. Biogeographic Information and Observation System (BIOS).
<https://www.wildlife.ca.gov/Data/BIOS>. Accessed October 15, 2021.